

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KENNETH EDWARD SMITH,  
  
Defendant.

NO. CR13-5644 BHS

**FINAL ORDER OF FORFEITURE**

THIS MATTER comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the properties listed below.

On May 22, 2014, this Court entered a Preliminary Order of Forfeiture in the above-captioned case forfeiting Defendant Kenneth Edward Smith's interest in each of the properties listed below. The property listed in paragraphs (a) through (d) below is subject to forfeiture pursuant to Title 18, United States Code, Section 2253, because it was used and intended to be used to commit or to promote the commission of the offense to which the defendant has pleaded guilty; Receipt and Distribution of Child Pornography, in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1), and Possession of Child Pornography, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2). The property listed in paragraph (e) below is subject to forfeiture because it constitutes the images themselves.

Pursuant to Title 21, United States Code, Section 853(n), the United States first published notice of the Preliminary Order of Forfeiture on the official government website [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) consecutive days beginning on May 30, 2014, and ending on June 28, 2014, and of the intent of the United States to dispose of the property listed in paragraphs (a) through (d) of the Preliminary Order of Forfeiture in accordance with the law. The notice further stated that any person, other than the defendant, having or claiming a legal interest in the above-described property was required to file a petition with the Court within sixty (60) days of the first date of publication of notice, setting forth the nature of the petitioner's right, title, and interest in the property. The United States subsequently published notice of the Preliminary Order of Forfeiture on the official government website [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) consecutive days beginning on October 9, 2014, and ending on November 7, 2014, to reflect the correct serial numbers of the property.

On or about August 11, 2014, a copy of the Preliminary Order of Forfeiture in the above-captioned criminal case was sent to Chatchawal Chavengrat via certified mail, return receipt requested, Article Number 7013 1090 0001 3202 2522, through the U.S. Postal Service. Chatchawal Chavengrat signed the return receipt on or about August 13, 2014.

All persons and entities believed to have an interest in the property subject to forfeiture were given proper notice of the intended forfeiture.

No petitioners or claimants have come forth to assert an interest in the forfeited property, and the time for doing so has expired.

IT IS ORDERED, ADJUDGED and DECREED that the following properties seized from Kenneth Edward Smith are hereby fully and finally condemned and forfeited to the United States in their entirety:

(a) One (1) 250GB Western Digital External Hard Drive, Serial No. WXEYOZX26750;

(b) One (1) Compaq Presario Tower Computer, Serial No. CNH65138PY;

- 1 (c) One (1) Seagate 300GB Hard Drive;  
2 (d) One (1) Seagate 120GB Hard Drive; and  
3 (e) Any and all images of child pornography, in whatever form and however  
4 stored.

5 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or  
6 interest to the above-described properties shall exist in any other party. The  
7 United States Marshals Service and/or its representatives are authorized to dispose of the  
8 above-described properties in accordance with law. The depictions and images listed in  
9 paragraph (e) above shall be destroyed or retained for official (investigative) use by the  
10 Attorney General pursuant to Title 21, United States Code, Sections 853(i) and 881(e).

11 DATED this 12<sup>th</sup> day of January, 2015.

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BENJAMIN H. SETTLE  
United States District Judge

Presented by:

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